

Applic. No. 09/932,878
Response Dated July 7, 2004
Responsive to Office Action of June 25, 2004

Remarks:

Reconsideration of the application is requested.

Claims 1 to 29 remain in the application. Claim 1 has been amended.

In item 1 on page 2 of the above-identified Office action, the Examiner objected to claim because of an informality. The Examiner's suggested correction has been made. The above noted changes to claim 1 are provided solely for cosmetic reasons and/or to correct a typographical error. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In item 4 on pages 3 to 4 of the above-identified Office action, claims 1 to 5, 7 to 11, 15, 16, and 18 to 20 have been rejected as being obvious over Ozawa (U.S. 6,479,325) in view of Matsuda et al. (U.S. 6,281,032) under 35 U.S.C. § 103.

OK
Applicants respectfully note that Ozawa has a United States filing date of December 5, 2000. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application claims international priority of German Application No. 100 40 450.2, filed August 18, 2000, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, applicants are

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entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Ozawa by more than three (3) months. Because Ozawa was filed after the priority date of the instant application, applicant respectfully believes that Ozawa is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Applicants already filed a Claim for Priority including a certified copy of the German application. Applicants herewith file a certified English translation of German Application No. 100 40 450.2. Accordingly, applicants respectfully believe that priority has been perfected and Ozawa is unavailable as prior art. Therefore, applicants respectfully submit that the Section 103 rejection on pages 3 to 4 of the Office action is now moot.

Claims 1 to 29 are, therefore, allowable.

Finally, applicants appreciatively acknowledge the Examiner's statement that claims 6, 12 to 14, 17, and 21 to 29 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

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In light of the above, applicants respectfully believe that rewriting of these claims is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 to 29 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants
GLM:kf

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